

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0201-SEB-MJD
)	
DAVID F. MAYS,)	
)	- 01
Defendant.)	

REPORT AND RECOMMENDATION

On November 13, 2020, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 1, 2020. Defendant Mays appeared in person with his appointed counsel Dominic Martin. The government appeared by Will McCoskey, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Michael Burrell.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Mays of his rights and provided him with a copy of the petition. Defendant Mays orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Mays admitted violation number 1.
[Docket No. 19.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

Mr. Mays submitted a urinalysis on September 21, 2020, which returned positive for cocaine. He admitted cocaine use to produce the positive drug screen. Mr. Mays submitted a urinalysis' on September 24, and 30, 2020, that returned positive for amphetamine. He admitted consuming methamphetamine to produce the positive results.

4. The parties stipulated that:

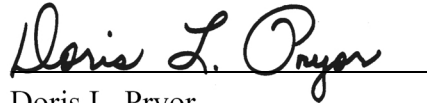
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

5. The parties jointly recommended a sentence of twelve (12) months with no supervised release to follow. Defendant requested placement at FCI Terre Haute, Satellite Camp.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at FCI Terre Haute, Satellite Camp.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 11/16/2020

A handwritten signature in black ink, reading "Doris L. Pryor", is written over a horizontal line.

Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

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